

# MONO COUNTY PLANNING COMMISSION

PO Box 347  
Mammoth Lakes, CA 93546  
760.924.1800, fax 924.1801  
commdev@mono.ca.gov

PO Box 8  
Bridgeport, CA 93517  
760.932.5420, fax 932.5431  
[www.monocounty.ca.gov](http://www.monocounty.ca.gov)

## SPECIAL MEETING MINUTES

SEPTEMBER 10, 2015  
(Adopted October 8, 2015)

**COMMISSIONERS:** Scott Bush, Chris I. Lizza, Mary Pipersky, Dan Roberts. **Absent:** Rodger B. Thompson

**STAFF:** Scott Burns, CDD director; Gerry Le Francois, principal planner; Courtney Weiche, associate planner; Stacey Simon, assistant county counsel; C.D. Ritter, commission secretary

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Vice-Chair Chris Lizza called the meeting to order at 10:07 a.m. in the board chambers at the Town/County Conference Room, Minaret Village Mall, Mammoth Lakes, and attendees recited the pledge of allegiance.

**2. PUBLIC COMMENT:** None

**3. MEETING MINUTES:**

***MOTION:*** Adopt minutes of July 9, 2015 (no August meeting) as submitted. (*Pipersky/Bush. Ayes: 4. Absent: Thompson.*)

**4. PUBLIC HEARING**

**10:10 A.M.**

**A. VARIANCE/Lower Rock Creek Mutual Water Co.** The proposal is to drill a second well on an Open Space parcel (APN 026-330-015) to serve the residents of Sierra Paradise Estates and Rock Creek Canyon. Well construction is proposed to operate nonstop for three to four weeks. A variance is necessary when projects exceed the maximum noise levels at any given time. Community letters of support have been submitted as part of the application. The project qualifies as a CEQA exemption. In accordance with Section 15306 for resource evaluation activities that do not result in serious or major disturbance to environmental resources. *Staff: Courtney Weiche, associate planner*

Courtney Weiche presented background. Stacey Simon clarified that the well was already approved; now looking at noise variance. Approval would allow noise and time variance from limitations. Noticing was outlined, and a packet of comment letters was distributed. No drilling after 5 p.m. or Sundays, echoing along canyon. Discretion over impacts is limited.

**OPEN PUBLIC COMMENT:**

**Matthew Lehman**, developer of Rock Creek Ranch, wants fair and equitable treatment in the area. Appears utility was held to different standard ~~then~~ than he was. His wells are farther away, on challenged topography. He was not given a variance, not allowed to drill 24/7 though he would have preferred it. Impacts are still same with different project, not addressed. Mono failed to bring up other potential issues. Archaeological site nearby, grinding bowls there. Same people opposed noise of his project. Quoted similar time and rate, but went from six months to 1.5 year, from \$200,000 to \$1.2 million. Drilling impacts his wells, taking water. Found more contaminated water at deeper depths. Asking that his investments with partners be treated with same respect and concerns as Lower Rock Creek Mutual. Inconsistencies. If variance is granted, capricious decision. Didn't get same treatment for 15-yr project.

**Jim Moyer**, president of board of water board, decreased well production indicates no water. Lizza: Prior water source? Moyer: Surface water.

DISTRICT #1  
COMMISSIONER  
Mary Pipersky

DISTRICT #2  
COMMISSIONER  
Rodger B. Thompson

DISTRICT #3  
COMMISSIONER  
Daniel Roberts

DISTRICT #4  
COMMISSIONER  
Scott Bush

DISTRICT #5  
COMMISSIONER  
Chris Lizza

**Mike O'Sullivan**, resident of Paradise Estates, supported most of Lehman's comments. Water system grandfathered in, health/human safety concern for community. Existing community dates back to 1960s, creek rights to 1920s. Need potable water. Supported variance.

**Steve Frederickson**, on water board, Nov. 10 start date is not current. Significant El Nino, so start ASAP if variance approved. Maybe by Oct. 7. Complete before snow flies.

**Evan Russell**, newer resident at Rock Creek Canyon, agreed Lehman should be treated fairly. Farthest house up canyon on trail, on it five to seven days/week, sees who's there, what's going on. Understand consequences if well would fail, so get done quickly, put up with noise.

**Michael House**, fire chief, water best to deal with fire. Hydrant system in Paradise enabled firefighting efforts on day of Swall Meadows fire. Stressed importance of reliable water supply to community residents.

**Lehman**: Doesn't deny need for firefighting, drinking water. Comply with same measures as he complied with, mitigate impacts. If fire is a concern, would pump water from his site. If it's drinking water, could be provided so he could protect his asset.

**Barbara Schneider** did not address perceived grievances of objector. Lives on ridge, definitely impacted, sees need, supports wholeheartedly.

**Mark Daniel**, assistant fire chief but speaking as resident, read his comment letter into record. Drill ASAP to avoid catastrophic failure.

**Denyse Racine**, 27-yr resident. Mono general Noise Ordinance addresses neighborhood impacts. Homeowners most affected by noise are in support. Recreationists have alternatives for hiking/biking in canyon or elsewhere. Hiked elsewhere during Rock Creek Road construction. All evidence indicates variance should be granted.

**DISCUSSION**: Bush: Lehman project? Letters opposing noise? Lehman: Air drilling, plumbing dust, watered down, drilled pits to capture drilling muds. Assume same standard. Noise complaints, police called, ongoing problem. Put hay bales up to stop noise propagation. Denied permission, had to stop/start drilling. No forgiveness granted.

Weiche: 2005 variance denied; 2006 after extended drilling, reapplied for 24 hr weekdays only, 10 days total.

Bush: Driving force? Weiche: CDFG, property owners.

Bush: Condition of Lehman wells, maybe looking at same thing with Lower Rock Creek utility now. Would set precedent for his future drilling. Still fight or make it easier for Lehman?

Lehman: Good neighbor policy would kick into effect. Not now, given easement, access gate. Not reciprocated. Tried to work with them. What would happen to his wells when they drill? Bush: No info now. Lehman: Studies not done on depths.

Racine: Sensitive receptors = residents of Paradise. No corresponding receptors on Lehman's property. Overwhelming support. **CLOSE PUBLIC COMMENT.**

**DISCUSSION**: Pipersky: Noise at 70 dB if working 24/7? Moyer: Rotary drilling, no hammering. Could carry on conversations near drilling site. Pipersky: Variance includes consistent noise day and night. Lehman: Found air density changes made noise louder at night.

Lizza: Rules maybe different at Lehman's original. Concern about dates on noise.

Roberts: Most difficult decisions on commission have concerned noise. Humans measure noise differently: perceived loudness, duration, quality, own subjective perception. In terms of unfair treatment, staff makes every effort at fairness. Supported variance.

Bush: Only thing to consider is who's being damaged. Same people, but decided could put up with it now, probably sets precedent for future. Well likely would not affect Lehman's well. Lehman: Deeper, more water. Bush: Redundancy well, may replace first well. Supported variance.

Pipersky: Completely different situation. Paradise is an existing community.

Lizza: Evan Russell is most affected, but not complaining.

Bush: Deciding how long put up with noise, not noise v. no noise.

**MOTION**: Set limit at four weeks to make drillers get it done. If equipment is down, Burns could extend. (Bush/no second.)

***NEW MOTION:*** Make findings in staff report, approve Variance 15-001 authorizing variance from Mono County Noise Ordinance standards for construction activities, for up to 24 hr/day 7 days/wk and at levels in excess of 50 dBA at night and 60 dBA during day, for limited term, to drill new well for Lower Rock Creek Mutual Water Co. (*Pipersky/Roberts. Ayes: 3. No: Bush. Absent: Thompson.*)

## 5. WORKSHOP

### A. REGIONAL TRANSPORTATION PLAN (RTP)/GENERAL PLAN UPDATE (GPU) & DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) *Staff: Wendy Sugimura & Brent Calloway*

Scott Burns noted culmination of a lot of work over years. Funding through LTC. Complied with sustainable communities process. Integrates transportation, housing, land use. Set stage for future streamlining. New GHG requirements set. Included as policy. All planners touched it, went to RPACs, area plans updated/refined. Wendy Sugimura got grant to fund much of update. Really refined policies, plugged gaps, worked with environmental consultant. Setting stage for online General Plan.

Sugimura noted PC has seen topic-specific studies already. Broad overview presented at RPACs.

**Land Use:** Build-out calculations were done by Brent Calloway, who described mathematical exercise that doesn't mean much. If every piece of land were built out to maximum potential, space for 28,000 units. Currently, 2,500 units with 60% occupied, 40% unoccupied. Looked at land use designations. All reduced build-out removed public land. Planning areas revised. Individual parcels looked at, not just big block. Avalanche areas reduced, area plans on agricultural preservation limit of 40 acres. 16,585 units possible theoretically. Burns: State law requires intensity of development possible (theoretical maximum).

**Land Use Maps:** Online map replaces 100+ pages. Only Conway Ranch redesignated as Open Space. Links to maps all over, parcel viewer, agency maps. Can overlay items like TROD, Williamson Act, development credits, parking areas, flood hazard areas, avalanche-influence areas, fault areas, or Cal Fire hazard zones. Roads are broken down by ownership.

**Area Plans:** Sugimura reviewed area plans that RPACs revised. Antelope Valley: Most feisty, especially about trails. Return later. Bridgeport Valley: Back next week, adding Main Street revitalization last two years. Mono Basin: Happy. June Lake: Main concerns = separately published June Lake Area Plan, TROD policy and consistency with Ch. 25 and 26. Fair share: Housing for employees, realistic requirements? Housing Mitigation Ordinance repealed, but June Lake wanted something to require workforce housing if big development came in. Long Valley: OK. Paradise: Next week, all new policies. Other area plans had minor policy changes.

**Development Regulations:** Calloway noted focus on simpler, easier regulations. Listed among 40 changes: 1) Dual designation: Can't stack on; 2) Towers in all land use designations OK with use permit; 3) Accessory use prior to main requires use permit; 4) Accessory structures not allowed in setbacks; 5) Cargo containers OK in floodplain areas; 6) No RV storage on vacant land; 7) Side/rear-yard fences from 6' to 7' to coincide with building regulations; 8) June Lake required parking spaces now two, not three; 9) Commercial designation needs Director Review like Mixed Use; 10) Cell tower to 80', extra 20'; 11) B-&B parking requirements added; 12) Flood and fire regulations modified per state law; and 13) Plan of operations is lower level of review than permit.

**Circulation Element/RTP:** Added appendices on bikes, trails.

**Conservation/Open Space:** Dr. James Paulus did biological assessment to identify vegetation communities, sensitive species, and biological resources.

**Safety & Noise elements:** Updated.

**Integrated Waste Management Plan:** Not part of General Plan.

**EIR:** Alternatives created. GHG policies.

**Comment period:** Closes Sept. 29.

## 6. REPORTS:

**A. DIRECTOR:** Association of Environmental Professionals conference Sept. 24-26: Simon & Sugimura featured panelists.

**B. COMMISSIONERS: Roberts:** Oct. 23-24. Ormat issue (litigating attorneys), sensitive species, water issues, solar, D395, GP update/maps, etc. Field trips to Bridgeport Main Street, SNARL, etc.

## 7. INFORMATIONAL: No items.

**8. ADJOURN** to October 8, 2015

*Prepared by C.D. Ritter, commission secretary*